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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,874	03/26/2001	Chad D. Quist	DON01 P-889	7627

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EXAMINER
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LAO, LUN YI

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/817,874	<b>Applicant(s)</b> QUIST ET AL.	
	<b>Examiner</b> LUN-YI LAO	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 4 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 15-17, 20-21, 23-31, 41-42, 44-58, 68, 71, 73-79, 81-82 and 84-85 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Continuation of Disposition of Claims: Claims withdrawn from consideration are 4-6,8-14,18,19,22,32-40,43,59-67,69,70,72,80,83,86 and 87.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 7, 17, 20-21, 23-28, 41 and 73-79 are rejected under 35 U.S.C. 103(a) as being anticipated by UI Azam et al(5,566,224) in view of Martinelli et al(5,943,044) and Bauer et al(6,262,831) and Kadaba et al(6,088,649).

As to claims 1, 3, 7, 17, 20-21, 23-28, 41 and 73-79, UI Azam et al teach an interactive a vehicular mirror system comprising an interior rearview mirror assembly having a mirror casing and a reflective element with a rearward field of view (see figure 2; column 3, lines 60-67 and column 4, lines 54-57); a display(108)(see figures 1-2; column 3, lines 33-36); and a user actuable selector elements(separate buttons or touch display elements) (see figure 2; column 4, lines 61-68; column 5, lines 1-9 and lines 51-61; and column 9, lines 33-35). UI Azam et al teach a reflector(109, or 209, electrochromic mirror) is semi-transparent reflector and a display(108 or 208) located behind the reflector(109 or 209)(see figure 1-2 and column 3, lines 39-45). UI Azam et al teach a first display(e.g. 01)

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being generated in response to the first touch sensitive element(see figures 2; column 4, lines 58-68 and column 5, lines 1-12) and a second display(phone numbers(e.g. 708551212)) correspond to a second touch sensitive element( second touch display element or separate button)(see figure 2; column 4, lines 58-68; column 5, lines 1-12 and lines 60-65). UI Azam et al teach a first and second touch sensitive elements(01 or telephone number) provided on a housing (see figure 2 and column 5, lines 9-12).

As to claim 1, UI Azam et al teach a display(108) provided at interior rearview reflective mirror(109)(see figures 1-2; column 3, lines 33-45 and column 9, lines 3-10) and the display(108) being generated in response to the user selector element(touch sensitive element) being actuated by the user(see figures 1-2; column 4, lines 58-68; column 3, lines 33-45 and column 5, lines 1-12). UI Azam et al teach the first display location of the first display element(01)

UI Azam et al fail to disclose a first user actuatable selector element being provided at the bezel portion, the touch sensitive elements having electrical capacitance for sensing a human finger approached to the sensitive elements and display information being generated by touching touch sensitive elements.

Martinelli et al teach a sensitive element for detecting human finger approached or touched the sensitive element(see column 2, lines 14-20). It would have been obvious to have modified Takekawa with the teaching of Martinelli et al, so as to obtain the display information of user approach without of touch the sensitive elements and the touch sensitive elements would not easy to get dirty.

Bauer et al teach a first user actuable selector element(22) being provided at the bezel portion(12)(see figure 1; column 2, lines 38-40 and column 3, lines 8-30). It would have been obvious to have modified UI Azam et al as modified with the teaching of Bauer et al, since UI Azam et al have disclosed the actuable selector element(22) could be mounted on a housing(see column 4, lines 27-30) and such location changed would not effect the function of the actuable selector element and the area of rearview mirror would not be occupied by the selector element by mounting the selector element on a bezel.

Kadaba et al teach a display information on a window(202 or 204) will be changed or generated by actuating touching sensitive elements(206, 208, 210, 212). (see figure 2; column 5, lines 46-68 and column 6, lines 1-20). It would have been obvious to have modified UI Azam et al as modified with the teaching of Kadaba et al, so as to provide more information to a user.

As to claim 3, UI Azam et al teach the reflective element is electrochromic mirror(see figure 1 and column 3, lines 39-45).

As to claim 7, UI Azam et al tech the selector element is provided on au outer surface, a lower portion or perimeter portion of the reflecting element(209)(see figure 2; column 4, lines 62-68; column 5, lines 1-9 and lines 51-61 and column 9, lines 33-35). Takekawa teaches a touch sensitive element associated with more than one function(e.g. enter number "0" and OPER)(see figure 2(a)).

As to claim 17, UI Azam et al teach a display(108 ) is an LCD display which has a transparent state(see column 3, lines 28-32).

As to claim 20, UI Azam et al teach a reflector(109, or 209, electrochromic mirror) is semi-transparent reflector and a display(108 or 208) located behind the reflector(109 or 209)(see figure 1-2 and column 3, lines 39-45).

As to claim 21, UI Azam et al teach a semitransparent reflector(109) having a metal coating(chromium) and a transparent electrodes(electro-chromic mirror)(see figures 1-2 and column 3, lines 33-45).

As to claims 23-25, UI Azam et al teach an LCD display(108) or LED display(108) and the display(108) located behind the reflecting element(109)(see figure 1, and column 3, lines 29-45).

As to claim 26, Bauer et al teach a rearview mirror system comprising a reflector(14) which has been partially removed from the mirror system(see figures 1-2 and column 2, lines 41-66). It would have been obvious to have modified UI Azam et al as modified with the teaching of Bauer et al, so a display information can be presented on a mirror surface.

As to claim 41, UI Azam et al teach the first display element(telephone number) is proximated to the first touch sensitive element(see UI Azam's figure 2; column 4, lines 58-68; column 5, lines 1-12 and Bauer's figure 1 and column 3, lines 23-30).

As to claims 73-74, UI Azam et al teach a display having an alpha-numeric image and a multi-pixel display(see figure 2 and column 3, lines 28-32).

As to claims 75 and 76, UI Azam et al teaches display element displays a family of display functions(mirror display function)(see figures 1-2).

As to claims 77- 79, UI Azam et al teach a fixed display and a scrolling display (telephone number area for displaying video images (see figure 2; column 3, lines 21-32 and column 5, lines 3-7).

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over UI Azam et al (5,566,224) in view of Martinelli et al (5,943,044), Bauer et al, Kadaba et al (6,088,649) and Blank et al (5,576,687).

As to claim 2, UI Azam et al as modified fail to disclose the reflecting element having a prismatic reflecting element.

Blank et al teach a prismatic reflecting element (see figures 3A-3B; column 1, lines 56-68 and column 2, lines 1-20). It would have been obvious to have modified UI Azam et al as with the teaching of Blank et al, since Blank et al teach an electrochromic reflecting element could be replaced by a prismatic reflecting element (see column 2, lines 12-17) and the prismatic reflecting element would be more common and economic than the electrochromic reflecting element.

4. Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over UI Azam et al (5,566,224) in view of Martinelli et al, Bauer et al, Kadaba et al and Friend et al (6,497,368).

As to claim 68, UI Azam et al as modified fail to disclose a back-lit touch sensitive element.

As to claim 68, Friend et al (6,497,368) teach a back-light touch sensitive element (137,138) (see figures 1-2 and column 8, lines 27-44). It would have been obvious to have modified UI Azam et al with the teaching of Friend et al, so a user could still input data in a dark environment (see UI Azam et al's column 8, lines 34-36).



5. Claims 15-16, 29-31, 42, 44-48, 51-55, 58, 71, 81-82 and 84-85 are rejected under 35 U.S.C. 103(a) as being anticipated by UI Azam et al(5,566,224) in view of Martinelli et al(5,943,044), Bauer et al(6,262,831), Kadaba et al and Takekawa(6,091,376).

As to claims 15-16, 29-31, 42, 44-48, 51-55, 58, 71, 81-82 and 84-85, UI Azam et al as modified fail to disclose a second display is generated by actuating a second touch sensitive element.

Takekawa teach a first sensitive element(6, telephone number) and second sensitive element(END)(see figure 2a) and a selector first and second display elements(telephone number and speed of a vehicle) having a cognitive relationship established (see figure 2a, 2b and column 3, lines 16-54). Takekawa teach the touch sensitive elements(6) having electrical capacitances for sensing a human finger touching the sensitive elements(6)(see figure 3 and column 3, lines 55-67). It would have been obvious to have modified UI Azam et al as modified with the teaching of Takekawa, so a user could enter any telephone number as he/she wanted.

As to claim 42, UI Azam et al teach a display(108 ) is an LCD display which has a transparent state(see column 3, lines 28-32).

As to claim 44, UI Azam et al teach a first display element(01) for displaying video images(see figure 2; column 3, lines 21-32 and column 5, lines 3-7).

As to claims 45-47, 58, UI Azam et al teach a mirror system comprising a rearward field of view image(see figure 2 and column 4, lines 54-57); a telephone information display and scrolling images(see figure 2 and column 5 and 3-9).

As to claim 48, UI Azam et al teach a first and second touch sensitive elements(01 or telephone number) provided on a housing (see figure 2 and column 5, lines 9-12) and Bauer et al teach two displays(18)(see figure 1 and column 3, lines 11-30).

As to claim 51, UI Azam et al teach the reflective element is electrochromic reflecting element(109)(see figure 1; column 3, lines 39-45)

As to claim 52, Bauer et al teach a rearview mirror system comprising a reflector(14) which has been partially removed from the mirror system(see figures 1-2 and column 2, lines 41-66). It would have been obvious to have modified UI Azam et al as modified with the teaching of Bauer et al, so a display information can be presented on a mirror surface.

As to claims 54-55, UI Azam et al teach a mirror system comprising a rearward field of view image and telephone number information(see figure 2 and column 4, lines 54-57).

As to claim 71, UI Azam et al teach the first and second touch elements are sensitive to touching by a human finger(see figures 1-2; column 4, lines 58-68; column 5, lines 1-12 and column 6, lines 48-65).

As to claims 81-82, and 84, UI Azam et al teach the plurality display (208) disposed behind the transreflective element(mirror, 109)(see figures 1-2 and column 3, lines 28-45).

As to claim 85, Bauer et al teach each display element can be display more than one display(18)(see figure 1 and column 3, lines 8-30).

6. Claims 49 and 50 rejected under 35 U.S.C. 103(a) as being unpatentable over UI Azam et al(5,566,224) in view Martinelli et al(5,943,044), Bauer et al, Kadaba et al, Takekawa, and Blank et al(5,576,687).

As to claim 49, UI Azam et al as modified fail to disclose the reflecting element having a prismatic reflecting element.

Blank et al teach a prismatic reflecting element(see figures 3A-3B; column 1, lines 56-68 and column 2, lines 1-20). It would have been obvious to have modified UI Azam et al as with the teaching of Blank et al, since Blank et al teach an electrochromic reflecting element could replaced by a prismatic reflecting element(see column 2, lines 12-17) and the prismatic reflecting element would be more common and economic than the electrochromic reflecting element.

As to claim 50, Bauer et al teach a rearview mirror system comprising a reflector(14) which has been partially removed from the mirror system(see figures 1-2 and column 2, lines 41-66). It would have been obvious to have modified UI Azam et al as modified with the teaching of Bauer et al, so a display information can be presented on a mirror surface.

7. Claims 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable by UI Azam et al(5,566,224) in view of Martinelli et al(5,943,044), Bauer et al, Kadaba et al, Takekawa and Schofield et al(5,786,772).

As to claims 56-57, UI Azam et al as modified fail to disclose an image capturing device mounted on a side mirror.

Schofield et al teach a vehicular mirror display system comprising an image capturing device(20a, 20b) mounted on a side mirror(14, 16)(see figures 3-5; column 2, lines 57-68; and column 3, lines 1-14). It would have been obvious to have modified UI Azam et al as modified with the teaching of Schofield et al, so as to assist the driver in a premaneuver evaluation of conditions surrounding the vehicle(see abstract).

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1, 2, 3, 7, 15-17, 20-21, 23-31, 41-42, 44-58, 68, 71, 73-79, 81-82 and 84-85 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ypma et al(D450,281) teaches a plurality of switches disposed in a bezel portion of a rearview mirror.

Fitzpatrick(D402,950) teaches a plurality of switches disposed in a bezel portion of a rearview mirror.

Rumsey et al(D441,703) teaches a plurality of switches disposed in a bezel portion of a rearview mirror.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lun-yi Lao whose telephone number is 571-272-7671.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306, after July 15, 2005, the fax number is 571-273-8300,

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 7, 2006

  
**Lun-yi Lao**  
**Primary Examiner**